

Remarks

By this response, claims 77 and 78 are amended, claim 105 is canceled, and claims 109 and 110 are new for which protection is desired. As support for the amendments is provided for by the specification and drawings as originally filed, no new matter has been entered.

35 USC § 112, second paragraph

By the above amendments, claims 77 and 78 now recite structure without reciting method steps for use. Furthermore, claims 77 and 78 have been amended such that the recited elements of the electronic digital media production system are either hardware or a combination of hardware and software for implementing the defined requisite functionalities. Support for such an amendment is provided by, e.g., Fig. 1 and paragraphs [0062], [0064], [0065] and [0085] as originally filed. Accordingly, it is believed that the claims particularly point out and distinctly claim the subject matter which the Applicant regards as the recited invention. Withdrawal of this rejection is respectfully requested.

35 USC § 103

Claims 77-84 are rejected under 35 USC 103(a) as being unpatentable over Dolphin (US 5,457,746) in view of Katz et al. (US 5,926,624). This rejection is respectfully traversed in view of the following comments.

Dolphin specifically teaches the following:

After the publisher 21 encodes the data, it communicates certain information to billing/access center 23 shown in box 13, as will be discussed in detail below. The publisher 21 stores the encrypted data on the CD-ROM 22 and then distributes the data via distribution channels such as the postal service 24. Distribution channels can also include inter-office distribution, for example, in a corporate, government or legal environment among others. Ultimately, the CD-ROM is received by a user 26. The user has a computer (which includes a processor) or a television set or monitor with a processor and a CD-ROM reader. The user's computer is equipped with either a software program and/or hardware which is used to communicate with billing/access center

23 and which has a controller to process the data received from billing/access center 23.

When the user 26 loads the CD-ROM 22 into its CD-ROM reader, the user is presented with a menu on the computer or television monitor or screen which indicates what data is stored on the CD-ROM 22. Col. 4, lines 24-42 (emphasis added).

Claims 77 and 78 have been amended to recite, *inter alia*, “a release unit located at the local site and which has a user interface and an output, said release unit, before the on demand manufacturing of the selected digital information product at the local site to the physical media, is configured to: permit access via the user interface to the plurality of different digital information products stored on the mass data storage device for at least one of searching, viewing information about each of the digital information products, and viewing information about related products to the digital information products...”

Clearly, such a limitation is not disclosed by Dolphin which presents the user with the data after being written to the CD-ROM. Katz is cited for teaching that processing continues if systems in the system are authorized systems. Therefore, Katz fails to cure the above noted deficiency in Dolphin.

Claims 77 and 78 also recite the limitation that the “control unit is also configured to prevent the complete generation of any other digital information product before receipt of another electronic release code unique only to the other digital information product from the remote licensing control center.”

As previously noted by the Examiner, the authorization code of Dolphin is not used to control manufacture of the physical media. To cure this deficiency the Examiner points to Katz. However, it is noted also that the system of Katz does not prevent the manufacture of the physical media before receipt of a unique electronic release code in the manner as recited by the above claims. Katz uses an authorization system in which a library server will send digital content to a client computer that has an authorized electronic software player (and physical software player) and the software player will only access digital content from an authorized library server, which appears to be akin to the present day i-Tunes software from Apple.

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However, once the software player(s) of Katz is authorized all digital content on the library server is viewable on the client computer via the software player. Clearly, by the above-mentioned limitation such is not the recited invention of claims 77 and 78.

As the remaining claims, including new claims 109 and 110, depend either directly or indirectly from amended claims 77 and 78, in view of the above comments, such claims are also believed patentable over the cited art for at least the same reasons.

Conclusion

The Applicant respectfully submits that, in view of the above amendments and remarks, the application is now in condition for allowance. The Examiner is encouraged to contact the undersigned to resolve efficiently any formal matters or to discuss any aspects of the application or of this response. Otherwise, early notification of allowable subject matter is respectfully solicited.

Respectfully submitted,

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